

#### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

The Applicant acknowledges with appreciation the indication in the Office Action that claims 2-5 are directed to allowable subject matter.

Claims 1 and 6 have been amended. Support for the subject matter of the amendments is provided at least in the original claims, Fig. 2, and paragraphs 12 and 20-22 of the specification.

Claims 1 and 6 were rejected, under 35 USC §103(a), as being unpatentable over Takano et al. (US 2002/0173312) in view of Harrison et al. (US 6,754,475). To the extent these rejections may be deemed applicable to the amended claims, the Applicant respectfully traverses based on the points set forth below.

Claim 1 now defines a mobile station apparatus that stops one or both of data and control channel processing depending on a relationship between a detected timing of a transmit diversity mode change and a sub-frame period or a relationship between the detected timing and a slot period. The claimed subject matter provides an advantage of supporting efficient receive processing so as to reduce the power consumption of the mobile station apparatus (see specification paragraph [0007]).

The Office Action acknowledges that Takano does not suggest discontinuing data or control channel processing based on a detected timing of a diversity mode change (see Office Action page 3, lines 5-7), but proposes that Harrison teaches this subject matter (see page 3, lines 7-12).

However, the Applicant notes that Harrison discloses, in Fig. 3, that if open loop transmission power is determined to be greater than closed loop transmission power, the open loop power transmission is selected for use and data receiver 330 and switches 319 are adjusted to route a baseband signal through a conventional transmit processor 316 (see Harrison col. 10, lines 10-19).


Further, Harrison does not disclose a relationship between the timing of a diversity mode change and a sub-frame period or a relationship between the timing of the diversity mode change and a slot period. Thus, Harrison *per force* cannot disclose the feature recited in claim 1 of stopping one or both of data and control channel processing based on a detected timing of a diversity mode change and a sub-frame period or a relationship between the timing of the diversity mode change and a slot period. And Takano does not supplement the teachings of Harrison in this regard.

Accordingly, the Applicant respectfully submits that Takano and Harrison, considered individually or in combination, do not render obvious the subject matter now defined by claim 1. Independent claim 6 similarly recites the above-mentioned feature distinguishing apparatus claim 1 from the applied references, but with respect to a method. Therefore, allowance of claims 1 and 6 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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